

REMARKS

Claims 8-14 are pending in the present application. Claims 8 and 10-14 are independent claims. Claims 1-7 were previously cancelled.

Claim Rejections - 35 U.S.C. §103

Claims 8 and 10-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,181,870 to Okada et al. ("Okada") in view of U.S. Patent Publication 2002/0006273 to Seo et al. ("Seo"). The Applicant respectfully traverses this rejection.

According to the new Examination Guidelines for Determining Obviousness under 35 U.S.C. § 103 in view of the Supreme Court decision of *KSR International, Co. v. Teleflex, Inc.* it is stated that the proper analysis for a determination of obviousness is whether the claimed invention would have been obvious to one of ordinary skill in the art after consideration of all the facts. The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reasons why the claimed invention would have been obvious. An Office Action must explain why the differences between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. See 72 Fed. Reg. 57526, 57528-529 (Oct. 10, 2007).

The Applicant respectfully asserts that neither Okada, nor Seo, either separately or in combination, teach or suggest all of the limitations set forth in the independent claims. Neither has there been a clear articulation made of why one skilled in the art would find the differences between the claims and the prior art to be obvious.

For example, independent claim 8 recites a computer-readable medium including, among other things, "a plurality of time control information areas.

representing decoding time interval information, each of said plurality of time control information areas recorded in a corresponding one of said plurality of data packets within a fixed packet interval of the stream." The Applicant respectfully asserts that the cited references, either in combination or separately, do not teach, suggest or otherwise render obvious the above quoted features.

In the last response in this application dated January 15, 2009, the Applicant set forth reasons showing why the cited references do not teach the above quoted feature on pages 8-10. Those arguments are incorporated herein by reference and for brevity will not be repeated here. In response to those arguments, on page 2 of the Office Action mailed April 2, 2009, the Examiner contends:

Column 23, lines 26-49 of Okada et al. teaches a GOP of a fixed time interval. The Examiner recognizes the fixed time interval of a GOP as equivalent to the fixed packet interval because the basic units in conventional DVD are packets, such as video packet, audio packet, and sub-picture packet. Each GOP must comprise a plurality of video packets (see FIG. 6A of Okada et al.). In fact, a movie or video program with longer time length must have more video, audio and sub-picture packets. Therefore, the fixed time interval of a GOP is equivalent to the fixed packet interval.

The Applicant respectfully disagrees with this assertion. As an initial matter, the Applicant does not agree that Okada describes a decoding time stamp and a presentation time stamp to be assigned at a fixed time interval.

For example, column 23 at lines 46-49 of Okada says "[i]t is common for such information [the decoding time stamp and the presentation time stamp] to be assigned once in a GOP, which is to say every 0.5 seconds of reproduction time." This statement of Okada does not necessarily mean that the decoding time stamp and the presentation time stamp occur every 0.5 seconds. Rather, it states that the GOP lasts

about every 0.5 seconds of reproduction time and that the decoding time stamp and the presentation time stamp occur once every GOP. It is possible that they could occur of the beginning of one GOP and at the end of another GOP. Thus, occurring at non-standard time intervals. Thus, Okada does not necessarily describe a fixed time interval. Further, elsewhere in Okada, the GOP is described to be a reproduction period of around 0.4 to 1.0 seconds. See, for example, column 16, lines 45-46. Thus, Okada does not necessarily teach a fixed time interval.

Even assuming, for the sake of argument, that Okada does teach a fixed time interval, the Applicant disagrees with the statement that a fixed time interval is equivalent or is a fixed packet interval. For example, in the specification of the present application, FIG. 6 shows an example where a PET is recorded at a fixed time interval and is described in its corresponding specification at paragraph [0050] of the patent application publication. In contrast, FIG. 8 shows an example where a PET is recorded into a source packet at a fixed packet interval and is discussed in the specification at paragraph [0053] of the patent application publication. These two examples are not the same and are separately described.

Furthermore, there has been no showing of why a fixed time interval as allegedly shown by Okada is also a fixed packet interval. Differences in processing time associated with different packets, particularly in view of the fact that some of the packets are video data and other packets are audio data, could result in different numbers of packets being processed at the same time. Therefore, there has been no showing of why a fixed packet interval as recited in the claims is rendered obvious by the alleged fixed time interval of Okada.

Seo does not cure the insufficiencies of Okada. Neither is it alleged to. Rather, Seo is silent with respect to fixed packet intervals.

For at least these reasons, the Applicant respectfully asserts that a *prima facie* case of obviousness has not been made. Therefore, the Applicant respectfully requests that the rejections under 35 U.S.C. 103(a) of claim 8 be removed. The Applicant notes that the other independent claims, claims 10-14 also recite language similar to that recited above with respect to claim 8 and that claims 10-14 are patentably distinguished over the cited references for at least the reasons set forth above with respect to claim 8. For at least these reasons, the Applicant respectfully requests that the rejections under 35 U.S.C. 103(a) of claims 8 and 10-14 as being unpatentable over Okada in view of Seo be removed.

Claim 9 is rejected under 35 U.S.C. §103(a) as being unpatentable over Okada and Seo as applied to claims 1, 8, 10, 11 and 12 above, and further in view of U.S. Patent Publication 2002/0150392 to Yoo et al. ("Yoo"). The Applicant respectfully traverses this rejection.

Claim 9 is dependent upon claim 8 which has been shown to patentable over the cited references for the reasons set forth above. Therefore, claim 9 is patentable at least by reason of its dependency and the Applicant respectfully requests that the rejections under 35 U.S.C. 103(a) of claim 9 be removed.

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CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 8-14 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Respectfully submitted,

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